

**REMARKS**

This communication is a full and timely response to the non-final Office Action dated May 18, 2005 (Paper No./Mail Date 042005). By this communication, claims 7, 8, 15, and 21 have been canceled without prejudice or disclaimer of the underlying subject matter. Further, claims 1, 3, 9, 10, 11, 12, 16, 17, 19, 20, 22, 23, 24, 25, and 27, and claims 28-32 have been added.

Claim 1 has been amended to recite that said corresponding communication terminal device comprises keyword extraction means for extracting a keyword by recognizing a voice of said user in a conversation, and that said information distribution means selects corresponding distribution information from among plural pieces of said distribution information based on an extraction result by said keyword extraction means, and supplies said distribution information to said corresponding communication terminal device. Support for the subject matter recited in claim 1 can be found variously throughout the specification and claims, for example, in original claims 7 and 8. No new matter has been added.

Claim 3 has been amended to recite that said communication terminal device comprises keyword extraction means for extracting a keyword by recognizing a voice of said user in a conversation, and that said information distribution means selects corresponding distribution information from among plural pieces of said distribution information based on an extraction result by said keyword extraction means, and supplies said distribution information to said communication terminal device. Support for the subject matter recited in claim 3 can be found variously throughout the specification and claims, for example, in original claims 7 and 8. No new matter has been added.

Claim 11 has been amended to recite that said communication terminal is a telephone, and in said first step, after extracting a predetermined keyword by recognizing voice in a conversation of said user between said telephones, distribution information is selected from among plural pieces of said distribution information based on the extraction result, and the distribution information is distributed to said communication terminal device. Support for the subject matter recited in claim 11 can be found variously throughout the specification and claims, for example, in original claim 15. No new matter has been added.

Claim 17 has been amended to recite that said information supplying means comprises keyword extracting means for, while recognizing content of said communication from said

communication terminal device which is communicating, selectively extracting a keyword contained in said communication contents, and wherein based on the keyword extracted by the keyword extracting means, supplying information corresponding to said keyword to a corresponding communication terminal device. Support for the subject matter recited in claim 17 can be found variously throughout the specification and claims, for example, in original claim 21. No new matter has been added.

Claim 25 has been amended to recite that the step of supplying information includes recognizing content of a communication sent over the channel, selectively extracting a keyword from the content of said communication, outputting language information based on the extracted keyword; and supplying information corresponding to said language information given from said communication terminal device to said designated communication terminal device. Support for the subject matter recited in claim 25 can be found variously throughout the specification and claims, for example, in original claim 21. No new matter has been added.

Claims 3, 9, 10, 12, 16, 19, 20, 22, 23, 24, and 27 have been amended to improve idiomatic English and form. No new matter has been added.

Each of claims 28-30 recites that said distribution information is advertisement information. Support for the subject matter recited in claims 28-30 can be found variously throughout the specification, for example, at page 23 lines 11-26. No new matter has been added.

Each of claims 31 and 32 recites that said supplied information is advertisement information. Support for the subject matter recited in claims 31 and 32 can be found variously throughout the specification, for example, at page 23 lines 11-26. No new matter has been added.

Claims 1-6, 9-14, 16-20, and 22-32 are pending where claims 1, 3, 11, 17, and 25 are independent.

#### **Claim Rejections Under 35 U.S.C. §112**

Claims 7, 9, 10, 12, 16, 17, 19, and 20-25 were rejected under 35 U.S.C. §112, second paragraph for lack of antecedent basis.<sup>1</sup> Applicant respectfully traverses this rejection. However, in an effort to expedite prosecution, the aforementioned claims have been amended in

a manner that addresses and remedies the alleged deficiencies. Accordingly, Applicant respectfully requests that the rejection of claims 9, 10, 12, 16, 17, 19, 20, and 22-25 be withdrawn.

Claims 3 and 11 were rejected under 35 U.S.C. §112, second paragraph as indefinite. Applicant has amended claim 11 to recite “one of said communication terminal devices.” Accordingly, Applicant respectfully requests that the rejections of claims 3 and 11 under 35 U.S.C. §112, second paragraph be withdrawn.

Claims 20 and 27 were rejected under 35 U.S.C. §112, second paragraph as indefinite. Applicant has amended each of claims 20 and 27 to recite “at least one of a predetermined operation and a voice that is inputted externally.” Accordingly, Applicant respectfully requests that the rejection of claims 20 and 27 under 35 U.S.C. §112, second paragraph be withdrawn.

Claim 21 was rejected under 35 U.S.C. §112, first paragraph as non-enabled by the specification. In particular, the Office Action alleges that “said information supplying means comprises position detection means,” as recited in claim 21 is not disclosed in the specification. As discussed above, claim 21 was canceled without prejudice, however, because claims 17 and 25 have been amended to incorporate subject matter previously recited in claim 21, Applicant respectfully traverses this rejection with respect to those claims.

In support of this rejection, the Office Action cites page 43, lines 4-10 of the specification. This portion of the specification reads as follows:

“In this case, a global positioning system (GPS) can be built in or provided for the portable telephone terminal 2 of a user as a position detection means to detect the position of the user, select advertisement information corresponding the position of the user, and distribute the information, thereby allowing the user to obtain the advertisement information in real time corresponding to the position of the user.”

The “information supplying means” of the claim is associated, for example, with the common carrier 5 as disclosed in the specification. *See* Fig. 1, page 8, lines 12-18. The common carrier is configured by interconnecting a CPU 10 and a server 11, and connecting the CPU to a telephone answering machine server 12 through the server 11. *See* page 12, lines 19-22. Further, the specification discloses that an advertising agency 6 may use the common carrier

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<sup>1</sup> Office Action failed to state the legal or statutory basis for the claim rejections presented in paragraphs 1-13. *See* MPEP §707.07(d). However based on the language, it appears that the claim rejections are based on the provisions

5 to distribute advertisement information over the information transmission system 1. *See* page 11, lines 15-22.<sup>2</sup> As shown above in the cite from page 43, the GPS can be built in the portable telephone terminal for, among other things, position detection, advertisement information selection, and advertisement information distribution. Because the GPS system inherently connects a CPU and a server in a same or similar manner to the common carrier and also distributes advertisement information, it should be readily apparent to one of ordinary skill in the art that the information supplying means (GPS) includes position detection means.

The MPEP provides a number of factors that must be considered when determining whether there is sufficient evidence to support whether the enablement requirement is satisfied. Some factors include:

- The breadth of the claims
- Nature of the invention
- State of the prior art
- Level of one of ordinary skill
- Level of predictability in the art
- Amount of direction provided by the inventor

MPEP states that all of these factors must be considered, and any conclusion of non-enablement must be based on the evidence as a whole. *See* §2164.01(a).

Furthermore, the MPEP states that a specification disclosure which contains a teaching of the manner and process of making and using an invention in terms which correspond in scope to those used in describing and defining the subject matter sought to be patented must be taken as being in compliance with the enablement requirement of 35 U.S.C. §112, first paragraph, unless there is a reason to doubt the objective truth of the statements contained therein which must be relied on for enabling support. *See* §2164.04. "It is incumbent upon the Patent Office, whenever a rejection on this basis is made, to explain *why* it doubts the truth or accuracy of any statement in a supporting disclosure and to back up assertions of its own with acceptable evidence or reasoning which is inconsistent with the contested statement. Otherwise, there would be no need

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of 35 U.S.C. §112, second paragraph.

<sup>2</sup> "In the information transmission system 1 with the above mentioned configuration, an advertising agency 6 is connected to the common carrier 5, and the advertising agency 6 provides advertisement information for the common carrier 5 in advance, and is charged a distribution rate for the distribution of the advertisement information by the common carrier 5, thereby paying the common carrier 5 the distribution rate for the advertisement information."

for the applicant to go to the trouble and expense of supporting his presumptively accurate disclosure.” In re Marzocchi 439 F.2d at 224, 169 USPQ at 370.

In presenting the enablement rejection, the Examiner should focus on those factors, reasons, and evidence that lead the examiner to conclude that the specification fails to teach how to make and use the claimed invention without undue experimentation, or that the scope of any enablement provided to one skilled in the art is not commensurate with the scope of protection sought by the claims. This can be done by making specific findings of fact, supported by the evidence, and then drawing conclusions based on these findings of fact. For example, doubt may arise about enablement because information is missing about one or more essential parts or relationships between parts that one skilled in the art could not develop without undue experimentation. In such a case, the examiner should specifically identify what information is missing and why one skilled in the art could not supply the information without undue experimentation. *See* §2164.04. Based on accepted patent practice as evidenced in the MPEP, Applicant respectfully submits that even if the Examiner’s enablement rejection is proper, the Examiner has failed to properly express the enablement rejection. Further, for at least the reasons expressed above, Applicant respectfully submits that the subject matter previously recited in claim 21 and now recited in claims 17 and 25 is properly enabled by the specification. Accordingly, Applicant respectfully requests that the rejection of claim 21 (now with respect to claims 17 and 25) be withdrawn.

#### **Rejections Under 35 U.S.C. §102**

Claims 3, 4, and 11 were rejected under 35 U.S.C. §102(e) as anticipated by *Cook*—U.S. Patent No. 6,853,987. Applicant respectfully traverses this rejection.

Claim 3 recites a communication management system for managing communication between communication terminal devices, said system comprising information distribution means for distributing distribution information to said communication terminal devices to which communication lines are connected; and privilege assignment means for assigning a privilege to a user of one of said communication terminal device to which the distribution information is distributed, wherein said communication terminal device comprises keyword extraction means for extracting a keyword by recognizing a voice of said user in a conversation, and wherein said information distribution means selects corresponding distribution information from among plural

pieces of said distribution information based on an extraction result by said keyword extraction means, and supplies said distribution information to said communication terminal device.

Claim 11 recites a communication management method for managing communication between communication terminal devices, said method comprising a first step of distributing distribution information to said communication terminal devices to which communication lines are connected; and a second step of assigning a privilege to a user of one of said communication terminal devices to which the distribution information is distributed, wherein said communication terminal is a telephone, and in said first step, after extracting a predetermined keyword by recognizing voice in a conversation of said user between said telephones, distribution information is selected from among plural pieces of said distribution information based on the extraction result, and the distribution information is distributed to said communication terminal device.

*Cook* teaches a system and method for authorizing aspects of network based transactions. During a general transaction, a consumer visits the website of a merchant, selects goods or services, provides billing information, initiates an authorization process, and completes the transaction if authorization is granted. *See* Fig. 5. During the authorization process, the identification of the merchant is checked, the validity of the merchant's digital signal is checked, the account number of the customer may be hashed, and/or an authorization form may be generated and transmitted to the customer's computer for completion.

*Cook*, however, fails to disclose, teach, or suggest a process by which said communication terminal device comprises keyword extraction means for extracting a keyword by recognizing a voice of said user in a conversation, and said information distribution means selects corresponding distribution information from among plural pieces of said distribution information based on an extraction result by said keyword extraction means, and supplies said distribution information to said communication terminal device. In fact, *Cook* fails to disclose, teach, or suggest an authorization process whereby the voice of a consumer is used. Accordingly, Applicant respectfully submits that claims 3 and 11 are not anticipated by *Cook*.

To properly anticipate a claim, the document must disclose, explicitly or implicitly, each and every feature recited in the claim. *See Verdegall Bros. v. Union Oil Co. of Calif.*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). *Cook* fails to disclose, teach, or suggest every element recited in independent claims 3 and 11, therefore these claims are not anticipated by

*Cook*. Accordingly, Applicant respectfully requests that the rejection of claims 3 and 11 under 35 U.S.C. §102 be withdrawn, and these claims be allowed.

Claim 4 depends from claim 3. By virtue of this dependency, Applicant submits that claim 4 is allowable for at least the same reasons given above with respect to claim 3. In addition, Applicant submits that claim 4 is further distinguished over *Cook* by the additional elements recited therein, and particularly with respect to each claimed combination. Applicant respectfully requests, therefore, that the rejection of claim 4 under 35 U.S.C. §103 be withdrawn, and this claim be allowed.

### **Rejections Under 35 U.S.C. §103**

Claims 1, 2, 12, 17, and 25 were rejected under 35 U.S.C. §103(a) as unpatentable over *Cook* in view of *Inohara et al.*—U.S. Patent No. 6,256,747. Claims 7, 8, 10, 15, 21, and 22 were rejected under 35 U.S.C. §103(a) as unpatentable over *Cook* in view of *Calder et al.*—U.S. Patent No. 6,594,347. Because claims 7, 8, 15, and 21 have been canceled without prejudice, and claims 1, 17, and 25 have been amended to include the subject matter of these canceled claims 7, 8, 15, and 21, Applicant respectfully traverses the rejection of claims 1, 17, and 25 with respect to the rejection of claims 7, 8, 15, and 21.

Claim 1 recites a communication system comprising line connection means for connecting lines between communication terminal devices; communication management means for managing communication between the communication terminal devices through said line connection means; information supply means for supplying distribution information to said communication management means; information distribution means, provided in said communication management means, for distributing the distribution information to a corresponding communication terminal device; and privilege assignment means, provided in said communication management means, for assigning a privilege to a user of the communication terminal device to which the distribution information is distributed, wherein said corresponding communication terminal device comprises keyword extraction means for extracting a keyword by recognizing a voice of said user in a conversation, and wherein said information distribution means selects corresponding distribution information from among plural pieces of said distribution information based on an extraction result by said keyword extraction means, and supplies said distribution information to said corresponding communication terminal device.

Claim 17 recites a communication system comprising plural communication terminal devices for communicating with each other via a channel; information supplying means for supplying information to a designated communication terminal device among said communication terminal devices; and privilege assignment means for, after being notified through a notification by said communication terminal device that said information is confirmed by a user of said communication terminal device, assigning a privilege to the notification of said communication terminal device, wherein said information supplying means comprises keyword extracting means for, while recognizing content of said communication from said communication terminal device which is communicating, selectively extracting a keyword contained in said communication contents, and wherein based on the keyword extracted by the keyword extracting means, supplying information corresponding to said keyword to a corresponding communication terminal device.

Claim 25 recites a communication management method for managing communications of a communication terminal device connected via a channel, said method comprising the steps of supplying information via the channel corresponding to said communication terminal device to a designated communication terminal device; and receiving a confirmation result that said information supplied from said communication terminal device has been confirmed, wherein the step of supplying information includes recognizing content of a communication sent over the channel, selectively extracting a keyword from the content of said communication, outputting language information based on the extracted keyword; and supplying information corresponding to said language information given from said communication terminal device to said designated communication terminal device.

In summary, claims 1, 17, and 25 are directed communication systems and methods that include components for selectively extracting a keyword from the content of said communication, outputting language information based on the extracted keyword; and supplying information corresponding to said language information given from said communication terminal device to said designated communication terminal device (where applicable).

The Office Action acknowledges that *Cook* fails to disclose, teach, or suggest at least a communication management means, information distribution means, and keyword extraction means.

The Office Action relies on *Inohara* to remedy the deficiencies of *Cook* concerning the communication management means and information distribution means, and relies on *Calder* to

remedy the deficiencies of *Cook* concerning keyword extraction means. Consequently, the Office Action acknowledges that *Inohara* fails to disclose, teach, or suggest at least keyword extraction means.

*Calder* teaches speech-encoding system that uses keyword extraction to evaluate words voiced by a user and convert these words to a synonymous term that is accepted by the server. *See* col. 6, lines 49-62. *Calder*, however, fails to disclose, teach, or suggest at least supplying distribution information to a communication device based on the extracted keywords.

In summary, *Cook*, *Inohara*, and *Calder* either singly or combined fail to disclose, teach, or suggest at least components or a process that components for selectively extracting a keyword from the content of said communication, outputting language information based on the extracted keyword; and supplying information corresponding to said language information given from said communication terminal device to said designated communication terminal device. At best, the combined references teach a communication system that extracts keywords from the speech of a user, converts the extracted words to an accepted term for the server, and performs an operation at the server based on the accepted term. Accordingly, a *prima facie* case for obviousness has not been established.

To establish *prima facie* obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Moreover, obviousness "cannot be established by combining the teachings of the prior art to produce the claimed invention, absent some teaching or suggestion supporting the combination." *ACS Hosp. Sys. V. Montefiore Hosp.*, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). For at least the above reasons, Applicant respectfully requests that the rejection of claims 1, 11, and 25 be withdrawn, and these claims be allowed.

Claim 2 depends from claim 1, claim 12 depends from claim 11, and claim 22 depends from claim 17. By virtue of this dependency, Applicant submits that claims 2 and 12 are allowable for at least the same reasons given above with regard to their respective base claims. In addition, Applicant submits that claims 2, 12, and 22 are further distinguished over *Cook*, *Inohara*, and *Calder* by the additional elements recited therein, and particularly with respect to each claimed combination. Applicant respectfully requests, therefore, that the rejection of claims 2, 12, and 22 under 35 U.S.C. §103 be withdrawn, and these claims be allowed.

Claims 5, 13, and 19 were rejected as unpatentable over *Cook* in view of *Tatsumi et al.*—U.S. Patent No. 5,757,788. Applicant respectfully traverses this rejection.

Claim 5 depends from claim 3, claim 13 depends from claim 11, and claim 19 depends from claim 17. The Office Action relies on *Tatsumi* to teach “temporarily suspending the communication while communication terminal device is communicating.” Applicant respectfully submits, however, that *Cook* also fails to disclose, teach, or suggest at least components or a process that components for selectively extracting a keyword from the content of said communication, outputting language information based on the extracted keyword; and supplying information corresponding to said language information given from said communication terminal device to said designated communication terminal device. Each of *Cook*, *Tatsumi*, *Inohara*, and *Calder* either singly or combined fail to teach at least the aforementioned elements of the respective base claims. Therefore, by virtue of this dependency, Applicant submits that claims 5, 13, and 19 are allowable for at least the same reasons given above with regard to their respective base claims. In addition, Applicant submits that claims 5, 13, and 19 are further distinguished over *Cook*, *Tatsumi*, *Inohara*, and *Calder* by the additional elements recited therein, and particularly with respect to each claimed combination. Applicant respectfully requests, therefore, that the rejection of claims 5, 13, and 19 under 35 U.S.C. §103 be withdrawn, and these claims be allowed.

Claims 6 and 14 were rejected under 35 U.S.C. §103(a) as unpatentable over *Cook* in view of *Cruickshank*—U.S. Patent No. 6,704,294. Applicant respectfully traverses this rejection.

Claim 6 depends from claim 3 and claim 14 depends from claim 11. The Office Action relies on *Cruickshank* to teach “distributing the information in parallel with voice information,” as recited in the aforementioned claims. Applicant respectfully submits, however, that *Cook* also fails to disclose, teach, or suggest at least components or a process that components for selectively extracting a keyword from the content of said communication, outputting language information based on the extracted keyword; and supplying information corresponding to said language information given from said communication terminal device to said designated communication terminal device. Each of *Cook*, *Cruickshank*, *Inohara*, and *Calder* either singly or combined fail to teach at least the aforementioned elements of the respective base claims. Therefore, by virtue of this dependency, Applicant submits that claims 6 and 14 are allowable

for at least the same reasons given above with regard to their respective base claims. In addition, Applicant submits that claims 6 and 14 are further distinguished over *Cook*, *Cruickshank*, *Inohara*, and *Calder*, where applicable, by the additional elements recited therein, and particularly with respect to each claimed combination. Applicant respectfully requests, therefore, that the rejection of claims 6 and 14 under 35 U.S.C. §103 be withdrawn, and these claims be allowed.

Claims 9, 16, 23, and 24 were rejected under 35 U.S.C. §103(a) as unpatentable over *Cook* in view of *Tendler*—U.S. Patent No. 6,519,463. Applicant respectfully traverses this rejection.

Claim 9 depends from claim 3, claim 16 depends from claim 11, and claims 23 and 24 depend from claim 17. The Office Action relies on *Tendler* to teach “position detection means,” as recited in the aforementioned claims. Applicant respectfully submits, however, that *Cook* also fails to disclose, teach, or suggest at least components or a process that components for selectively extracting a keyword from the content of said communication, outputting language information based on the extracted keyword; and supplying information corresponding to said language information given from said communication terminal device to said designated communication terminal device. Each of *Cook*, *Tendler*, *Inohara*, and *Calder* either singly or combined fail to teach at least the aforementioned elements of the respective base claims. Therefore, by virtue of this dependency, Applicant submits that claims 9, 16, 23, and 24 are allowable for at least the same reasons given above with regard to their respective base claims. In addition, Applicant submits that claims 9, 16, 23, and 24 are further distinguished over *Cook*, *Tendler*, *Inohara*, and *Calder*, where applicable, by the additional elements recited therein, and particularly with respect to each claimed combination. Applicant respectfully requests, therefore, that the rejection of claims 9, 16, 23, and 24 under 35 U.S.C. §103 be withdrawn, and these claims be allowed.

Claims 18 and 26 were rejected under 35 U.S.C. §103(a) as unpatentable over *Cook* in view of *Inohara* and further in view of *Miura*—U.S. Patent No. 6,736,726. Applicant respectfully traverses this rejection.

Claim 18 depends from claim 17 and claim 26 depends from claim 25. The Office Action relies on *Miura* to teach “recording and updating a distribution history,” as recited in the

aforementioned claims. Applicant respectfully submits, however, that *Cook* also fails to disclose, teach, or suggest at least components or a process that components for selectively extracting a keyword from the content of said communication, outputting language information based on the extracted keyword; and supplying information corresponding to said language information given from said communication terminal device to said designated communication terminal device. Each of *Cook*, *Miura*, *Inohara*, and *Calder* either singly or combined fail to teach at least the aforementioned elements of the respective base claims. Therefore, by virtue of this dependency, Applicant submits that claims 18 and 26 are allowable for at least the same reasons given above with regard to their respective base claims. In addition, Applicant submits that claims 18 and 26 are further distinguished over *Cook*, *Miura*, *Inohara*, and *Calder*, where applicable, by the additional elements recited therein, and particularly with respect to each claimed combination. Applicant respectfully requests, therefore, that the rejection of claims 18 and 26 under 35 U.S.C. §103 be withdrawn, and these claims be allowed.

Claims 20 and 27 were rejected under 35 U.S.C. §103(a) as unpatentable over *Cook* in view of *Inohara* and further in view of *Funasako*—JP 409233193. Applicant respectfully traverses this rejection.

Claim 20 depends from claim 17 and claim 27 depends from claim 25. The Office Action relies on *Funasako* to teach “outputting a confirmation based on a voice input,” as recited in the aforementioned claims. Applicant respectfully submits, however, that *Cook* also fails to disclose, teach, or suggest at least components or a process that components for selectively extracting a keyword from the content of said communication, outputting language information based on the extracted keyword; and supplying information corresponding to said language information given from said communication terminal device to said designated communication terminal device. Each of *Cook*, *Funasako*, *Inohara*, and *Calder* either singly or combined fail to teach at least the aforementioned elements of the respective base claims. Therefore, by virtue of this dependency, Applicant submits that claims 20 and 27 are allowable for at least the same reasons given above with regard to their respective base claims. In addition, Applicant submits that claims 20 and 27 are further distinguished over *Cook*, *Funasako*, *Inohara*, and *Calder*, where applicable, by the additional elements recited therein, and particularly with respect to each claimed combination. Applicant respectfully requests, therefore, that the rejection of claims 20 and 27 under 35 U.S.C. §103 be withdrawn, and these claims be allowed.

**Newly Added Claims**

Claims 28-32 depend from claims 1, 3, 11, 17, and 25 where applicable. Each of the aforementioned new claims recites that the supplying (distribution) information is advertising information. At least by virtue of their dependency from the respective base claims, Applicant respectfully submits that claims 28-32 are allowable for at least the same reasons given above. In addition, Applicant submits that claims 28-32 are further distinguished over the prior art of record by the additional elements recited therein, and particularly with respect to each claimed combination. Applicant respectfully requests, therefore, that claims 28-32 be considered and allowed.

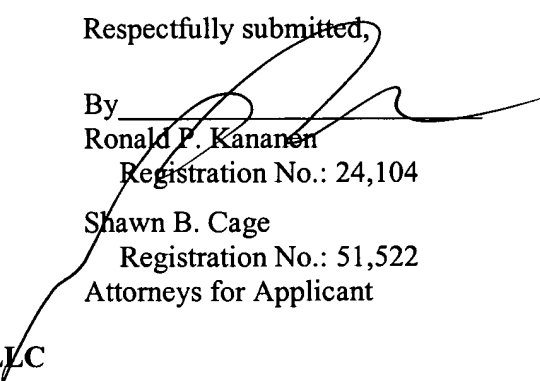
**Conclusion**

Based on at least the foregoing amendments and remarks, Applicants submit that claims 1-6, 9-14, 16-20, and 22-32 are allowable, and this application is in condition for allowance. Accordingly, Applicants request favorable reexamination and reconsideration of the application. In the event the Examiner has any comments or suggestions for placing the application in even better form, Applicants request that the Examiner contact the undersigned attorney at the number listed below.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 18-0013, under Order No. SON-2002 from which the undersigned is authorized to draw.

Dated: July 21, 2005

Respectfully submitted,

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